

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JONATHAN J. JOE,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:21-CV-98
(GROH)**

**EASTRIDGE HEALTH SYSTEMS,
CHRISTINE COLLINS, JILL LEEDOM,
CHELSEA CLINTON, and
DEWHITE GILBERT,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Currently pending before the Court is a Report and Recommendation (“R&R”) filed by Magistrate Judge Robert W. Trumble on August 12, 2021. ECF No. 7. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. In the R&R, Magistrate Judge Trumble recommends that the Plaintiff’s complaint [ECF No. 1] be dismissed without prejudice and the Plaintiff’s motion to proceed in forma pauperis [ECF No. 4] be denied as moot.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir.1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir.1984). Moreover, the Fourth Circuit has long held that "[a]bsent objection, we do not believe that any explanation need be given for adopting [an R&R]." Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983) (finding that without an objection, no explanation whatsoever is required of the district court when adopting an R&R).

Objections are due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Trumble entered the R&R on August 12, 2021. ECF No. 7. The R&R advised the Plaintiff that failure to file timely, specific objections to the R&R's findings and conclusions would constitute a waiver of de novo review of the R&R by this Court and an appellate review of the Court's order by the Fourth Circuit. Id. at 6. The Plaintiff accepted service of the R&R on August 16, 2021. ECF No. 9. As of this Order, no timely objections have been filed. Accordingly, the Court will review the R&R for clear error.

Upon careful review and thoughtful consideration, the Court finds that Magistrate Judge Trumble's Report and Recommendation should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated within. ECF No. 7. Therefore, the Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**. ECF No. 1. The Plaintiff's motion to proceed in forma pauperis is further **DENIED** as **MOOT**. ECF No. 4.

This Court **ORDERS** that this matter be **STRICKEN** from the Court's active docket.

The Clerk is **DIRECTED** to mail a copy of this Order to the pro se Plaintiff by certified mail, return receipt requested, at his last known address as reflected in the docket sheet.

DATED: September 2, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE